

**CHIROPRACTIC EXAMINING BOARD  
MEETING MINUTES  
AUGUST 11, 2011**

**PRESENT:** Steven Conway, Kathleen Schneider, Wendy Henrichs, James Koshick, Jodi Griffith and Mania Moore

**STAFF:** Denise Aviles, Bureau Director; Yolanda McGowan, Legal Counsel; Michelle Solem, Bureau Assistant; other DRL staff

**GUESTS:** James Weber; James Eden, Elizabeth McLean, Julie McAlearey and Corrine Seidel, Moraine Park Technical College; Lonna Wheelock and Robert Wheelock, D.C.; Paul Gabriel, Wisconsin Technical College District Boards; and Tim Stumm, Wisconsin Health News

**CALL TO ORDER**

Chair Wendy Henrichs called the meeting to order at 8:35a.m. A quorum of 6 members was confirmed. Dr. Henrichs introduced and welcomed Jodi Griffith to the Board.

**ADOPTION OF AGENDA**

**Amendments**

- Add Item H(2) – Adoption CT/CRT rule
- Remove Items E(6) and O(6)

**MOTION:** Mania Moore moved, seconded by Kathleen Schneider, to adopt the agenda as amended. Motion carried unanimously.

**APPROVAL OF MINUTES OF APRIL 27, 2011**

**MOTION:** James Koshick moved, seconded by Kathleen Schneider, to approve the minutes of April 27, 2011 as published. Motion carried unanimously.

**ADMINISTRATIVE REPORT**

Denise Aviles provided updates regarding the department merger with the Department of Commerce and the resulting name change. She also provided an updated related to the travel policy changes.

**Board Appointments**

- Credentialing Liaison Jodi Griffith
- Exam Workgroup Jodi Griffith (other members are Wendy Henrichs and James Koshick)
- Preceptor Liaison Jodi Griffith
- CE Liaison Jodi Griffith (other member is Wendy Henrichs)
- Screening Panel Kathleen Schneider as primary and Mania Moore as alternate while retaining Steven Conway and James Koshick as professional members

**PRESENTATION OF PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

DOE attorneys presented a Proposed Stipulation, Final Decision and Order in the disciplinary proceedings against the following:

- 1) 06 CHI 055, 056, 057, 058, 061, 063, and 064 – Peter Baehr, D.C.
- 2) 08 CHI 040 and 044 – Ida C. Bergman, D.C.
- 3) 08 CHI 040 and 044 – Jerod J. Bergman, D.C.

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- 4) 09 CHI 028 – James Schiavo, D.C.
- 5) 10 CHI 027 – Michael M. Hamilton, D.C.

These matters will be deliberated in closed session

**ELECTIONS**

**NOMINATION:** Mania Moore nominated James Koshick to fill the position of Vice-Chair for the remainder of the 2011 calendar year. The chair called for nominations three times. James Koshick was elected vice-chairperson for the remainder of the 2011 calendar year.

**NOMINATION:** James Koshick nominated Mania Moore to fill the position of Secretary for the remainder of the 2011 calendar year. The chair called for nominations three times. Mania Moore was elected Secretary for the remainder of the 2011 calendar year.

**PRECEPTOR MATTERS**

**Preceptor Approval**

The following requests for approval of preceptors have been submitted to the DRL 45 days in advance of the beginning of the school's next trimester:

	<b><u>Chiropractor Lic.</u></b>	<b><u>Granted</u></b>
<u>Palmer</u>	Douglas Jascot	07/26/1979
	Michael Olson	07/26/1977
<u>Northwestern</u>	Michael McMahon	11/20/1980
	Raymond Clinton	09/24/1971

**MOTION:** Mania Moore moved, seconded James Koshick, to approve all the pregrad and postgrad preceptors as presented. Motion carried unanimously.

**LEGISLATIVE/ADMINISTRATIVE RULE MATTERS**

**Update on CT/CRT Rule**

The Board discussed the public hearing held before the Assembly Committee on Health related to the CT/CRT rule on June 1, 2011.

**Adoption of the CT/CRT Rule**

**MOTION:** Mania Moore moved, seconded by Kathleen Schneider, to adopt the CT/CRT rule revising CHIR 5. Roll Call Vote: Jodi Griffith – yes; Wendy Henrichs – yes; James Koshick – yes; Mania Moore – yes; Steven Conway – no; Kathleen Schneider - yes. Motion carried.

**PRACTICE QUESTIONS/ISSUES**

**Discussion Regarding Max Pulse technology use**

Yolanda McGowan suggested that, for the sake of this discussion, the discussion should surround the *type* of instrument and not the specific instrument. The Board determined that if an instrument is used to complete a task that falls within the scope of practice then its use is acceptable.

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**CREDENTIALING MATTERS**

**Discussion Regarding Possible Reciprocity Agreement with California**

The Board discussed reciprocity and it was determined that the Board does not have reciprocity agreement authority.

**Review Applications for CE Provider**

**1) Systemic Approach to Muscle Testing**

The Board partially approved this course and will consider full approval upon receipt of documentation demonstrating that section one is generally taught at a college or in a post graduate setting.

**2) CT Delegations: Physiological Therapeutic Procedures and Modality**

The Board approved this training course as submitted.

**3) CT Course: Patient History & Physical Examination**

The Board approved the course aspects that are directly related to the specialty indicating that 5 hours of the 7 hour course would be approved as training.

**Update on Status of Practical Exam**

Dr. Henrichs indicated that the requirement for the exam has been postponed until January 2012. She also suggested that the exam be scheduled around the Part IV. Jill Remy indicated that the exam would be scheduled as follows: training will be conducted on Wednesday with the practical exam on Thursday and the jurisprudence exam on Friday. The Board decided to schedule the 2012 exams for April 18-20, 2012 and October 24-26, 2012. The Exams moving forward for 2013 and beyond will be scheduled in April and October as department resources permit.

**PUBLIC COMMENTS**

Comments were received from Elizabeth McLean, Moraine Park Technical College and Paul Gabriel, Exec. Director of the Technical College Governing Board.

**CLOSED SESSION**

**MOTION:** Mania Moore moved, seconded by Kathleen Schneider, to adjourn to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.; to consider closing disciplinary investigation with Administrative Warning (s. 19.85(1)(b), Stats. and 440.205, Stats., to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.; and, to confer with legal counsel (s. 19.85(1)(g), Stats.). Roll Call Vote: Steven Conway – yes; Jodi Griffith – yes; Wendy Henrichs – yes; James Koshick – yes; Mania Moore – yes; Kathleen Schneider - yes. Motion carried unanimously.

Open session recessed at 11:45 a.m.

**RECONVENE TO OPEN SESSION**

**MOTION:** James Koshick moved, seconded by Steven Conway, to reconvene in open session at 2:12 p.m. Motion carried unanimously.

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VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION  
PROPOSED STIPULATIONS, FINAL DECISIONS AND ORDERS**

**06 CHI 055, 056, 057, 058, 061, 063, AND 064**

**MOTION:** James Koshick moved, seconded by Kathleen Schneider, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 06 CHI 055, 056, 057, 058, 061, 063, and 064 – Peter Baehr, D.C. Motion carried unanimously.

**08 CHI 040 AND 044**

**MOTION:** Kathleen Schneider moved, seconded by Mania Moore, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 CHI 040 and 044 – Ida C. Bergman, D.C. Motion carried. Wendy Henrichs recused herself.

**08 CHI 040 AND 044**

**MOTION:** Kathleen Schneider moved, seconded by Mania Moore, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 08 CHI 040 and 044 – Jerod J. Bergman, D.C. Motion carried. Wendy Henrichs recused herself

**09 CHI 028**

**MOTION:** Steven Conway moved, seconded by Kathleen Schneider, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 09 CHI 028 – James Schiavo, D.C. Motion carried.

**10 CHI 027**

**MOTION:** Mania Moore moved, seconded by Kathleen Schneider, to adopt the Findings of Fact, Conclusions of Law, Stipulation and Order, in the matter of 10 CHI 027 – Michael M. Hamilton, D.C. Motion carried unanimously.

**ADMINISTRATIVE WARNING**

**MOTION:** Mania Moore moved, seconded by Kathleen Schneider, to issue the administrative warning in case 10 CHI 021, C.H., 10 CHI 021, L.G. and 11 CHI 017 P.S. Motion carried unanimously.

**APPLICATION REVIEW**

**MOTION:** Jim Koshick moved, seconded by Jodi Griffith, to grant licensure to Stewart Holland subject to passage of the NBCE SPEC examination. Motion carried unanimously.

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- MOTION:** Steven Conway moved, seconded by Mania Moore, to grant licensure to Beth Antoine for all specialties except surface EMG. Motion carried unanimously.
- MOTION:** Steven Conway moved, seconded by Mania Moore, to grant licensure to Rebecca Diedrick for all areas except light therapy and surface EMG.
- MOTION:** Mania Moore moved, seconded by Kathleen Schneider, to grant licensure as a CRT to Christina Lapp with limitations relative to the use of D.C. She must also comply with all terms and conditions of probation and parole.
- MOTION:** Steven Conway moved, seconded by Jodi Griffith, to deny licensure to Jeffrey Vendsel per CHIR 3.03(1)(a).

The Board tabled the decision on Ian Belton and will request additional information.

**CASE CLOSINGS**

- MOTION:** Steven Conway moved, seconded by Jodi Griffith, to close the following cases according to the recommendations by the Division of Enforcement.

- |               |                                |
|---------------|--------------------------------|
| 1. 08 CHI 004 | Prosecutorial Discretion. (P2) |
| 2. 08 CHI 026 | No Violation.                  |
| 3. 09 CHI 046 | Prosecutorial Discretion. (P2) |
| 4. 09 CHI 048 | Insufficient Evidence.         |
| 5. 10 CHI 020 | Insufficient Evidence.         |
| 6. 10 CHI 028 | No Violation.                  |
| 7. 11 CHI 004 | Insufficient Evidence.         |
| 8. 11 CHI 005 | Insufficient Evidence.         |
| 9. 11 CHI 006 | Insufficient Evidence.         |

**PRACTICAL EXAM**

The Board discussed the status of the practical exam.

Note: The next meeting is schedule for 10/6/11.

**ADJOURNMENT**

- MOTION:** Steven Conway moved seconded by James Koshick, to adjourn the meeting at 2:18 p.m. Motion carried unanimously.